CJCSI 3290.01D
1 Jun 2012
CH 1, 17 February 2015

PROGRAM FOR DETAINEE OPERATIONS

JOINT STAFF
WASHINGTON, D.C. 20318

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CHAIRMAN OF THE JOINT CHIEFS OF STAFF NOTICE

J-3
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CJCSI 3290.01D CH 1
17 February 2015

CHANGE 1 TO CJCS INSTRUCTION 3290.01D

1. Holders of Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3290.01D, 1 June 2012, "Program for Detainee Operations," are requested to make the following page substitutions:

Remove Page	Add Page
A-1 thru A-2	A-1 thru A-2

2. A summary of the changes follows:

a. Updates references a and c, which were outdated.

b. Updates reference d, which had an incorrect title.

3. When the prescribed action has been taken, this transmittal should be filed behind the basic document.

4. Releasability. UNRESTRICTED. This directive is approved for public release; distribution is unlimited on NIPRNET. DoD Components (to include the Combatant Commands), other Federal Agencies, and the public may obtain copies of this directive through the Internet from the CJCS Directives Electronic Library at http://www.dtic.mil/cjcs_directives/. Joint Staff activities may also obtain access via the SIPR Directives Electronic Library Web sites.

For the Chairman of the Joint Chiefs of Staff:

MARK E. WEATHERINGTON, Brig Gen, USAF
Vice Director, Joint Staff

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CHAIRMAN OF THE JOINT CHIEFS OF STAFF INSTRUCTION

J-3 CJCSI 3290.01D
DISTRIBUTION: A, B, C, S 1 June 2012

PROGRAM FOR DETAINEE OPERATIONS

References: See Enclosure.

1. Purpose. To designate a Joint Staff point of contact for matters pertaining to the implementation of the Department of Defense (DoD) Detainee Program, and to assign responsibilities to Joint Staff offices and directorates to ensure appropriate oversight of combatant command detainee operations policies and procedures, including ensuring operational exercises routinely test the capabilities of DoD components to conduct, participate in, and support detainee operations. This instruction implements reference (a), which provides policy and assigns responsibilities within the DoD for implementing the DoD Detainee Program.

2. Cancellation. CJCSI 3290.01C, 20 June 2008, is canceled.

3. Applicability. This instruction applies to military, civilian, and contractor personnel within the Department of Defense, Joint Staff, Combatant Commands, other subordinate agencies, organizations, or units thereof.

4. Policy

a. Pursuant to reference (a), it is DoD policy that all:

(1) Detainees shall be treated humanely and in accordance with U.S. law, the law of war, and applicable U.S. policy.

(2) Persons subject to reference (a) will receive instruction and complete training, commensurate with their duties, in the laws, regulations, policies, and other issuances applicable to detainee operations, prior to conducting, participating in, or supporting detainee operations, and annually thereafter.

(3) Persons subject to reference (a) shall report -- in accordance with references b and c and Combatant Command directives -- possible, suspected,

or alleged violations, for which there is credible information, of the law of war and/or detention operations laws, regulations, or policy.

b. As designated in reference (a), the Secretary of the Army (SECAR) is the DoD Executive Agent for the administration of the DoD Detainee Program. In coordination with the Under Secretary of Defense for Policy (USD(P)), the SECAR develops and promulgates guidance, regulations, and instructions necessary for the DoD-wide implementation of the DoD Detainee Program. Guidance provided under the authority of the SECAR is found in reference (f).

5. Responsibilities

a. Director for Manpower and Personnel (J-1) will monitor and staff all joint manning requirements necessary for the conduct of detainee operations.

b. Director for Intelligence (J-2) will serve as the senior intelligence advisor to the Chairman of the Joint Chiefs of Staff on all matters related to detainee operations. Additionally, the J-2 will:

(1) Coordinate with DIA and other DoD intelligence components, as appropriate, to provide intelligence staff support in accordance with Joint Staff policy and procedures.

(2) Coordinate on intelligence issues related to detainee assessments, transfers, and movement orders.

(3) Advise J-3 on USD(I) intelligence interrogation, detainee debriefings, and tactical questioning policy changes that may affect detention operations.

(4) Ensure Combatant Commanders' policies and procedures for intelligence interrogations, debriefings, and tactical questioning of detainees are consistent with relevant law and policy as listed in the Enclosure and as otherwise supplemented.

c. Director for Operations (J-3) is designated as the Joint Staff point of contact for matters pertaining to the implementation of the DoD Detainee Program. The J-37 Detainee Affairs Division, under the Deputy Director for Special Operations, is the J-3 element responsible for developing policy recommendations and coordinating detainee operations policy. Additionally, the J-3 will:

(1) Initiate and coordinate detainee movement operations pursuant to SecDef-approved Transfer and Release Execution Orders (EXORDs).

(2) Review operational plans of Combatant Commanders to ensure compliance with DoD policy established in reference (a) and as otherwise supplemented.

(3) Ensure that operational exercises routinely test capabilities to conduct, participate in, and support detainee operations, consistent with relevant law and policy as listed in the Enclosure and as otherwise supplemented.

(4) Liaise with the Deputy Assistant Secretary of Defense for Rule of Law and Detainee Policy in the Office of the Secretary of Defense; the National Security Staff; Department of State; Department of Justice; Department of Homeland Security; Office of the Director of National Intelligence; Military Departments, combatant commands, and Joint Staff directorates to coordinate plans, policy, operations, and other activities related to the DoD Detainee Program.

(5) Represent the Joint Staff in coordinating, and advising on, detainee transfer and release issues.

(6) Provide necessary inputs to congressional inquiries.

(7) Receive International Committee of the Red Cross reports concerning detention facilities and detainee treatment, provide advice related to matters identified in such reports, and assist in the development of solutions to challenges identified therein.

d. Director for Logistics (J-4) will coordinate on issues relating to detention facility construction, logistics, and medical support to detainees.

e. Director of Strategic Plans and Policy (J-5) will coordinate on policy matters, to include country or regional specific issues, as required.

f. Legal Counsel to the Chairman of the Joint Chiefs of Staff (OCJCS/LC) will provide legal review of Joint Staff recommendations on detainee issues, provide appropriate legal advice regarding laws, policies, directives, and instructions pertaining to detainee operations, and attend DoD, interagency, and allied meetings on detainee matters.

g. Office of the Chairman of the Joint Chiefs of Staff/Public Affairs (OCJCS/PA) will provide public affairs advice to the Chairman and Joint Staff leadership on detainee matters, as well as review and coordinate on public affairs guidance in coordination with the Office of the Assistant Secretary of Defense for Public Affairs.

h. Military Departments. The Military Departments will coordinate with the SECAR and the Joint Staff on detainee operations training and certification standards.

i. Combatant Commanders are responsible for the effective execution of the DoD Detainee Program within their respective commands. Combatant Commanders will:

(1) Plan, execute, and oversee detainee operations in accordance with reference a, this instruction, and applicable law and policy as listed in the Enclosure and as otherwise supplemented.

(2) Develop plans and issue appropriate implementing policy or guidance, as required, in accordance with reference (a).

(3) Forward implementing policy or guidance to OUSD(P), through the Director, Joint Staff, for review and approval.

(4) Designate a staff section with the primary responsibility for developing plans and drafting appropriate implementing policy or guidance, as required, and forward the name and contact information to J-37 Detainee Affairs Division.

(5) Conduct operational exercises to assess capability to conduct, participate in, and support detainee operations, consistent with applicable law and policy, and forward after action assessments to J-37 Detainee Affairs Division.

6. Summary of Changes. This instruction updates policies and responsibilities to be consistent with the references and Joint Publication 3-63, "Detainee Operations."

7. Releasability. This instruction is approved for public release; distribution is unlimited. DoD Components (including the Combatant Commands), other Federal Agencies, and the public may obtain copies of this instruction through the Internet from the CJCS Directives Home Page--
http://www.dtic.mil/cjcs_directives.

8. Effective Date. This instruction is effective upon receipt.

For the Chairman of the Joint Chiefs of Staff:

N. W. TYSON
RADM, USN
Vice Director, Joint Staff

Enclosure:
A -- References

DISTRIBUTION

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ENCLOSURE A

REFERENCES

a. DoD Directive 2310.01E, 19 August 2014, "The Department of Defense Detainee Program"

b. DoD Directive 2311.01E, 9 May 2006 (incorporating change 1 as of 15 November 2010 and certified current as of 22 February 2011), "DOD Law of War Program"

c. DoD Directive 3115.09, 15 November 2013, "DOD Intelligence Interrogations, Detainee Debriefings, and Tactical Questioning;" Directive-Type Memorandum (DTM) 09-031, "Videotaping or Otherwise Electronically Recording Strategic Intelligence Interrogations of Persons in the Custody of the Department of Defense" DTM 09-031, 10 May 2010 (incorporating change 2 as of 1 December 2011)

d. DoD Directive 3115.13, 9 December 2010, "DOD Support to the High-Value Detainee Interrogation Group (HIG)" (incorporating change 1 as of 15 November 2013)

e. Joint Publication 3-63, "Detainee Operations"

f. AR 190-8, 1 October 1997, "Enemy Prisoners of War, Retained Personnel, Civilian Internees and Other Detainees"

g. The Geneva Conventions for the Protection of War Victims of August 12, 1949, which include these treaties to which the U.S. Government is a party:

(1) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (GWS)

(2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (GWS Sea)

(3) Geneva Convention Relative to the Treatment of Prisoners of War (GPW)

(4) Geneva Convention Relative to the Protection of Civilian Persons in Time of War (GC)

h. Article 75, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977

i. CJCSI 5810.01 Series, "Implementation of the DoD Law of War Program"

j. Detainee Treatment Act of 2005, 42 U.S.C. § 2000dd (2006)

k. FM 3-39.40, February 2010, "Internment and Resettlement Operations"

l. FM 2-22.3, 6 September 2006, "Human Intelligence Collector Operations"

m. Executive Order No. 13491, 3 C.F.R. § 199 (2009-2010)

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